

# Exhibit “A”

*"Plaintiff's Complaint"*

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CASE NO: A-21-838061-C  
Department 4

**COMP**

KIMBALL JONES, ESQ.

Nevada Bar No.: 12982

**BIGHORN LAW**

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*Attorneys for Plaintiff*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

CECIL R. DUENAS, as an individual, CECIL R. DUENAS, Administrator of the ESTATE OF OSIRYS BARRAZA DE DUENAS and the ESTATE OF OSIRYS BARRAZNA DE DUENAS, individually,

Plaintiffs,

v.

WAL-MART STORES EAST, LP, a Foreign Limited Partnership; WALMART, INC., a foreign corporation; DOUG HARRIS; DOE STORE MANAGERS I through X; DOE STORE EMPLOYEES I through X; DOE OWNERS I through X; DOE PROPERTY MANAGERS I through X; DOE MAINTENANCE EMPLOYEES I through X; DOE JANITORIAL EMPLOYEES I through X; ROE PROPERTY MANAGERS XI through XX; ROE MAINTENANCE COMPANIES XI through XX; ROE OWNERS XI through XX; ROE EMPLOYERS XI through XX; DOES XXI through XXV; and ROE CORPORATIONS, XXV through XXX, inclusive, jointly and severally,

Defendants.

CASE NO.:

DEPT. NO.:

**COMPLAINT**

COMES NOW the Plaintiffs CECIL R. DUENAS., as an individual and as the Administrator of the ESTATE OF OSIRYS BARRAZNA DE DUENAS and the ESTATE OF OSIRYS BARRAZNA DE DUENAS, individually, by and through their counsel, KIMBALL JONES, ESQ., with the Law Offices

1 of **BIGHORN LAW**, and for their cause of action against the Defendants, and each of them, alleges as  
2 follows:

3 **PARTIES AND JURISDICTION:**

- 4 1. At all times relevant hereto, Decedent OSIRYS BARRAZNA DE DUENAS was a resident of  
5 Clark County, Nevada.
- 6 2. CECIL R. DUENAS., is a Clark County Resident, the biological Daughter of OSIRYS  
7 BARRAZNA DE DUENAS, and was duly appointed Administrator of the ESTATE OF OSIRYS  
8 BARRAZNA DE DUENAS by Court Order on January 5, 2021.
- 9 3. Plaintiff CECIL R. DUENAS is a duly authorized Administrator authorized to bring this action  
10 on behalf of the Decedent's ESTATE and the Heirs of OSIRYS BARRAZNA DE DUENAS.
- 11 4. Upon information and belief, that at all times relevant to this action, the Defendant WAL-MART  
12 STORES EAST, LP, a Foreign Limited Partnership (hereinafter referred to as "WAL-MART"),  
13 and/or DOE OWNERS I through X; and/or DOE PROPERTY MANAGERS I through X; and/or  
14 ROE OWNERS XI through XX; and/or ROE CORPORATIONS, XXV through XXX, was an  
15 entity doing business in the State of Nevada.
- 16 5. Upon information and belief, that at all times relevant to this action, the Defendant WALMART,  
17 INC., a Foreign Corporation (hereinafter referred to as "WAL-MART"), and/or DOE OWNERS I  
18 through X; and/or DOE PROPERTY MANAGERS I through X; and/or ROE OWNERS XI through  
19 XX; and/or ROE CORPORATIONS, XXV through XXX, was an entity doing business in the State  
20 of Nevada.
- 21 6. Upon information and belief, that at all times relevant to this action, Defendant DOUG HARRIS,  
22 and/or DOE STORE MANAGERS I through X, was at all times relevant to this action a resident  
23 of Las Vegas, Clark County, Nevada.
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- 1 7. Upon information and belief, DOE STORE MANAGERS I through X, and/or DOE STORE  
2 EMPLOYEES I through X, and/or DOE PROPERTY MANAGERS I through X, and/or DOE  
3 MAINTENANCE EMPLOYEES I through X, and/or DOE JANITORIAL EMPLOYEES I  
4 through X, and/or ROE PROPERTY MANAGERS XI through XX, and/or ROE  
5 MAINTENANCE COMPANIES XI through XX, and/or ROE EMPLOYERS XI through XX  
6 and/or DOES XXI through XXV, and/or ROE CORPORATIONS, XXV through XXX, was the  
7 appropriate party responsible for the maintenance and safe-keeping of the property located at 50  
8 Marks St., Henderson, Nevada 89014, and surrounding parking lot thereof, and is a resident of Clark  
9 County, Nevada or business entity established in and/or doing business is the State of Nevada.  
10  
11 8. Upon information and belief, DOE OWNERS I through X, and/or ROE OWNERS XI through  
12 XX, and/or DOES XXI through XXV, and/or ROE CORPORATIONS, XXV through XXX, was  
13 the owner of the property located at 50 Marks St., Henderson, Nevada 89014, and is a resident of  
14 Clark County, Nevada or business entity established in and/or doing business is the State of Nevada.  
15  
16 9. Upon information and belief, DOE PROPERTY MANAGERS I through X, and/or ROE  
17 PROPERTY MANAGERS XI through XX, and/or DOES XXI through XXV, and/or ROE  
18 CORPORATIONS, XXV through XXX, was the contracted property management company for  
19 the property located at 50 Marks St., Henderson, Nevada 89014 and is a resident of Clark County,  
20 Nevada or business entity established in and/or doing business is the State of Nevada.  
21  
22 10. Upon information and belief DOE STORE MANAGERS I through X, and/or DOE STORE  
23 EMPLOYEES I through X, and/or ROE EMPLOYERS XI through XX, and/or ROE  
24 MAINTENANCE COMPANIES XI through XX, and/or DOES XXI through XXV, and/or ROE  
25 CORPORATIONS, XXV through XXX, was the appropriate party responsible for the hiring,  
26 training, and supervision of DOE MAINTENANCE EMPLOYEES I through X, and/or DOE  
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28

JANITORIAL EMPLOYEES I through X, and was a business entity established in and/or doing business is the State of Nevada.

11. That the true names and capacities, whether individual, corporate, partnership, associate or otherwise, of DOE STORE MANAGERS I through X, and/or DOE STORE EMPLOYEES I through X, and/or DOE OWNERS I through X, and/or DOE PROPERTY MANAGERS I through X, and/or DOE MAINTENANCE EMPLOYEES I through X, and/or DOE JANITORIAL EMPLOYEES I through X, and/or ROE PROPERTY MANAGERS XI through XX, and/or ROE MAINTENANCE COMPANIES XI through XX, and/or ROE OWNERS XI through XX, and/or ROE EMPLOYERS XI through XX; DOES XXI through XXV, and/or ROE CORPORATIONS, XXV through XXX, are unknown to PLAINTIFF, who therefore sue said Defendants by such fictitious names accordingly.

12. PLAINTIFF CECIL is informed, and believes, and thereon alleges that each of the Defendants designated herein as DOES XXI through XXV, and/or ROE CORPORATIONS, XXV through XXX, are responsible in some manner for the events and happenings referred to and caused damages proximately to PLAINTIFF ROBERTS as herein alleged, and that PLAINTIFF will ask leave of this Court to amend this Complaint to insert the true names and capacities of DOES XXI through XXV, and/or ROE CORPORATIONS, XXV through XXX, when the same have been ascertained, and to join such defendants in this action.

13. At all times relevant hereto the conduct and activities hereinafter complained of occurred within Clark County, Nevada.

**FIRST CAUSE OF ACTION**  
**(Negligence as to All Defendants)**

14. Plaintiffs, and each of them, incorporates by this reference all of the allegations of paragraphs 1 through 13, hereinabove, as though completely set forth herein.

- 1 15. That upon information and belief, at all times relevant to this action, DEFENDANTS WAL-MART,  
2 and/or DOUG HARRIS, and/or DOE STORE MANAGERS I through X, and/or DOE STORE  
3 EMPLOYEES I through X, and/or DOE OWNERS I through X, and/or DOE PROPERTY  
4 MANAGERS I through X, and/or ROE PROPERTY MANAGERS XI through XX, and/or ROE  
5 OWNERS XI through XX, and/or ROE EMPLOYERS XI through XX, and/or DOES XXI  
6 through XXV, and/or ROE CORPORATIONS, XXV through XXX, and each of the Defendants,  
7 were the owners or lessees and occupied, operated, maintained and controlled those premises located  
8 at 50 Marks St., Henderson, Nevada 89014.  
9
- 10 16. That on or about July 21, 2019, Defendant DOUG HARRIS was responsible for verifying that the  
11 freezers were in good working order without leaks and to order that any freezers with leaks be fixed  
12 immediately to avoid guest injury.  
13
- 14 17. That Defendant DOUG HARRIS was aware that when the subject freezers leaked liquid, the liquid  
15 would spill onto the polished concrete, creating an ultrahazardous slippery condition.  
16
- 17 18. That on or about July 21, 2019, Defendant DOUG HARRIS was specifically aware of the at-issue  
18 freezers were leaking, causing an ongoing unreasonably dangerous condition to exist on the polished  
19 concrete.  
20
- 21 19. That on or about July 21, 2019, Defendant DOUG HARRIS, with a conscious disregard for the safety  
22 of patrons shopping in the store, and with a knowledge of the probable consequences of his actions,  
23 chose to make no repairs and to set up no safety barriers for the known leaks.  
24
- 25 20. That on or about July 21, 2019, Defendant DOUG HARRIS caused and/or created an ultrahazardous  
26 condition to exist by choosing to ignore and not fix a dangerous condition that he was specifically  
27 aware of.  
28
21. That on or about July 21, 2019, PLAINTIFF OSIRYS, while on the premises in question, was  
exposed to and did encounter an unreasonably dangerous hazard, namely a foreign substance on

1 the floor near the freezer section that had leaked out from the freezers, causing her to fall and  
2 sustain personal injuries.

3 22. That on or about the July 21, 2019, and for some time prior thereto, DEFENDANTS WALMART,  
4 and/or DOUG HARRIS, and/or DOE STORE MANAGERS I through X, and/or DOE STORE  
5 EMPLOYEES I through X, and/or DOE OWNERS I through X, and/or DOE PROPERTY  
6 MANAGERS I through X, and/or ROE PROPERTY MANAGERS XI through XX, and/or ROE  
7 OWNERS XI through XX, and/or ROE EMPLOYERS XI through XX, and/or DOES XXI  
8 through XXV, and/or ROE CORPORATIONS, XXV through XXX, and/or ROE  
9 MAINTENANCE COMPANIES XI through XX, and each of the Defendants (by and through  
10 their authorized agents, servants, and employees, acting within the course and scope of their  
11 employment), negligently and carelessly owned, maintained, operated, occupied, and controlled the  
12 said premises, located at 50 Marks St., Henderson, Nevada 89014, so as to cause and allow an  
13 unreasonably hazardous and dangerous premises.

14 23. That on or about the July 21, 2019, and for some time prior thereto, DEFENDANTS WALMART,  
15 and/or DOUG HARRIS, and/or DOE STORE MANAGERS I through X, and/or DOE STORE  
16 EMPLOYEES I through X, and/or DOE OWNERS I through X, and/or DOE PROPERTY  
17 MANAGERS I through X, and/or ROE PROPERTY MANAGERS XI through XX, and/or ROE  
18 OWNERS XI through XX, and/or ROE EMPLOYERS XI through XX, and/or DOES XXI  
19 through XXV, and/or ROE CORPORATIONS, XXV through XXX, and each of the Defendants  
20 (by and through their authorized agents, servants, and ASSOCIATES, acting within the course and  
21 scope of their employment), negligently and carelessly owned, maintained, operated, occupied, and  
22 controlled the said premises, located at 50 Marks St., Henderson, Nevada 89014, in that they  
23 maintained the area in such a manner that it presented a dangerous and hazardous condition in an  
24 area intended for the use and commonly and regularly used by invitees of the said Defendants.  
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28

1 24. That on or about the July 21, 2019, and for some time prior thereto, DEFENDANTS WALMART,  
2 and/or DOUG HARRIS, and/or DOE STORE MANAGERS I through X, and/or DOE STORE  
3 EMPLOYEES I through X, and/or DOE OWNERS I through X, and/or DOE PROPERTY  
4 MANAGERS I through X, and/or ROE PROPERTY MANAGERS XI through XX, and/or ROE  
5 OWNERS XI through XX, and/or ROE EMPLOYERS XI through XX, and/or DOES XXI  
6 through XXV, and/or ROE CORPORATIONS, XXV through XXX, and each of the Defendants  
7 (by and through their authorized agents, servants, and ASSOCIATES , acting within the course and  
8 scope of their employment), negligently and carelessly owned, maintained, operated, occupied, and  
9 controlled the said premises, located at 50 Marks St., Henderson, Nevada 89014, in that said  
10 Defendants permitted, allowed and caused said unsafe condition to remain even though  
11 DEFENDANTS WALMART, and/or DOUG HARRIS , and/or DOE STORE MANAGERS I  
12 through X, and/or DOE STORE EMPLOYEES I through X, and/or DOE OWNERS I through X,  
13 and/or DOE PROPERTY MANAGERS I through X, and/or ROE PROPERTY MANAGERS XI  
14 through XX, and/or ROE OWNERS XI through XX, and/or ROE EMPLOYERS XI through XX,  
15 and/or DOES XXI through XXV, and/or ROE CORPORATIONS, XXV through XXX, and each  
16 of the Defendants, knew or, through the exercise of ordinary care and diligence, should have known,  
17 that its premises was in an unsafe manner so as to create a defective and dangerous condition for  
18 anyone walking in the area.  
19

20  
21  
22 25. At all times relevant herein, DEFENDANTS WALMART, and/or DOUG HARRIS and/or DOE  
23 STORE MANAGERS I through X, and/or DOE STORE EMPLOYEES I through X, and/or DOE  
24 PROPERTY MANAGERS I through X, and/or ROE PROPERTY MANAGERS XI through XX,  
25 and/or DOE MAINTENANCE EMPLOYEES I through X, and/or DOE JANITORIAL  
26 EMPLOYEES I through X, and/or ROE PROPERTY MANAGERS XI through XX, and/or ROE  
27 MAINTENANCE COMPANIES XI through XX, and/or ROE OWNERS XI through XX, and/or  
28



1 ROE EMPLOYERS XI through XX, and/or DOES XXI through XXV, and/or ROE  
 2 CORPORATIONS, XXV through XXX, and each of the Defendants, failed to maintain the  
 3 aforesaid premises in a reasonably safe condition; and that said Defendants, negligently, carelessly  
 4 and recklessly failed to inspect, repair and correct the said condition, or warn PLAINTIFF OSIRYS  
 5 BARRAZNA DE DUENAS, of the defect therein.  
 6

7 26. At all times herein concerned or relevant to this action, the DEFENDANTS WAL-MART, and/or  
 8 DOE OWNERS I through X, and/or DOUG HARRIS, and/or DOE STORE MANAGERS I  
 9 through X, and/or DOE STORE EMPLOYEES I through X, and/or DOE PROPERTY  
 10 MANAGERS I through X, and/or ROE PROPERTY MANAGERS XI through XX, and/or DOE  
 11 MAINTENANCE EMPLOYEES I through X, and/or DOE JANITORIAL EMPLOYEES I  
 12 through X, and/or ROE PROPERTY MANAGERS XI through XX, and/or ROE  
 13 MAINTENANCE COMPANIES XI through XX, and/or ROE OWNERS XI through XX, and/or  
 14 ROE EMPLOYERS XI through XX, and/or DOES XXI through XXV, and/or ROE  
 15 CORPORATIONS, XXV through XXX, and each of the Defendants, acted by and through their  
 16 duly authorized agents, servants, workmen and/or employees then and there acting within the course  
 17 of their employment and scope of their authority for the said Defendants.  
 18

19  
 20 27. That the carelessness and negligence of DEFENDANTS WAL-MART, and/or DOE OWNERS I  
 21 through X, and/or DOUG HARRIS, and/or DOE STORE MANAGERS I through X, and/or DOE  
 22 STORE EMPLOYEES I through X, and/or DOE PROPERTY MANAGERS I through X, and/or  
 23 ROE PROPERTY MANAGERS XI through XX, and/or DOE MAINTENANCE EMPLOYEES  
 24 I through X, and/or DOE JANITORIAL EMPLOYEES I through X, and/or ROE PROPERTY  
 25 MANAGERS XI through XX, and/or ROE MAINTENANCE COMPANIES XI through XX,  
 26 and/or ROE OWNERS XI through XX, and/or ROE EMPLOYERS XI through XX, and/or DOES  
 27 XXI through XXV, and/or ROE CORPORATIONS, XXV through XXX, and each of the  
 28

1 Defendants, in breaching a duty owed to the PLAINTIFF OSIRYS BARRAZNA DE DUENAS,  
 2 which directly and proximately caused the injuries and damages to PLAINTIFF OSIRYS  
 3 BARRAZNA DE DUENAS, consisting in and of, but not limited to, the following acts, to wit:

- 4 (a) Failure to provide a safe premise for PLAINTIFF OSIRYS BARRAZNA DE DUENAS;  
 5  
 6 (b) Failure to properly maintain its freezers, resulting in liquid spillage onto the polished concrete;  
 7  
 8 (c) Failure to clean up the liquid spillage from the freezers onto the polished concrete;  
 9  
 10 (d) Failure to fix the freezers to stop the freezers from spilling out onto the polished concrete;  
 11  
 12 (e) Failure to warn PLAINTIFF OSIRYS BARRAZNA DE DUENAS, of the dangerous and  
 13 hazardous condition then and there existing in said premises, despite a conscious knowledge of  
 14 the dangerous condition by Defendants HARRIS and Walmart;  
 15  
 16 (f) Failure to properly and adequately inspect the said dangerous condition to ascertain its hazardous  
 17 and dangerous condition;  
 18  
 19 (g) Failure to properly and adequately maintain said premises and/or remedy the said dangerous  
 20 condition then and there existed in said premises;  
 21  
 22 (h) Failure to properly and adequately maintain said premises;

23 28. DEFENDANTS WAL-MART, and/or DOE OWNERS I through X, and/or DOUG HARRIS,  
 24 and/or DOE STORE MANAGERS I through X, and/or DOE STORE EMPLOYEES I through  
 25 X, and/or DOE PROPERTY MANAGERS I through X, and/or ROE PROPERTY MANAGERS  
 26 XI through XX, and/or DOE MAINTENANCE EMPLOYEES I through X, and/or DOE  
 27 JANITORIAL EMPLOYEES I through X, and/or ROE PROPERTY MANAGERS XI through  
 28 XX, and/or ROE MAINTENANCE COMPANIES XI through XX, and/or ROE OWNERS XI  
 through XX, and/or ROE EMPLOYERS XI through XX, and/or DOES XXI through XXV, and/or  
 ROE CORPORATIONS, XXV through XXX, and each of the Defendants, had knowledge and  
 notice of the existence of the said dangerous and defective condition which existed on said premises.

1 29. DEFENDANT WALMART, and/or DOE OWNERS I through X, and/or DOUG HARRIS, and/or  
 2 DOE STORE MANAGERS I through X, and/or DOE STORE EMPLOYEES I through X, and/or  
 3 DOE PROPERTY MANAGERS I through X, and/or ROE PROPERTY MANAGERS XI  
 4 through XX, and/or DOE MAINTENANCE EMPLOYEES I through X, and/or DOE  
 5 JANITORIAL EMPLOYEES I through X, and/or ROE PROPERTY MANAGERS XI through  
 6 XX, and/or ROE MAINTENANCE COMPANIES XI through XX, and/or ROE OWNERS XI  
 7 through XX, and/or ROE EMPLOYERS XI through XX, and/or DOES XXI through XXV, and/or  
 8 ROE CORPORATIONS, XXV through XXX, and each of the Defendants, have violated certain  
 9 statutes, ordinances and building codes, which PLAINTIFF OSIRYS BARRAZNA DE DUENAS  
 10 prays leave of Court to insert the exact statutes or ordinances or codes at the time of the trial.  
 11

12  
 13 30. That on or about July 21, 2019, PLAINTIFF OSIRYS BARRAZNA DE DUENAS, while lawfully  
 14 upon said premises of DEFENDANTS WAL-MART, and/or DOUG HARRIS, and/or DOE  
 15 STORE MANAGERS I through X, and/or DOE STORE EMPLOYEES I through X, and/or DOE  
 16 OWNERS I through X, and/or DOE PROPERTY MANAGERS I through X, and/or ROE  
 17 PROPERTY MANAGERS XI through XX, and/or ROE OWNERS XI through XX, and/or ROE  
 18 EMPLOYERS XI through XX, and/or DOES XXI through XXV, and/or ROE  
 19 CORPORATIONS, XXV through XXX, and as a direct and proximate result of the negligence and  
 20 carelessness of said Defendants, and each of them, PLAINTIFF OSIRYS BARRAZNA DE  
 21 DUENAS was caused to suffer the injuries and damages hereinafter set forth when she fell as a result  
 22 of Defendants' failure to maintain a reasonably safe premises, causing her to fall to the ground and  
 23 proximately causing to her the injuries and damages as hereinafter more particularly alleged.  
 24

25  
 26 31. That Defendants, and each of them, acted with implied malice, having a conscious disregard for  
 27 the welfare and safety of patrons, including Plaintiff, with a knowledge of the probable  
 28

- 1 consequences of Defendants' own neglect, that it would likely eventually result in serious injury  
2 or death to a patron and that Plaintiffs' injuries are a result of this malicious and punitive behavior.
- 3 32. By reason of the premises and as a direct and proximate result of the aforesaid negligence and  
4 carelessness of DEFENDANTS WAL-MART, and/or DOE OWNERS I through X, and/or DOUG  
5 HARRIS, and/or DOE STORE MANAGERS I through X, and/or DOE STORE EMPLOYEES I  
6 through X, and/or DOE PROPERTY MANAGERS I through X, and/or ROE PROPERTY  
7 MANAGERS XI through XX, and/or DOE MAINTENANCE EMPLOYEES I through X, and/or  
8 DOE JANITORIAL EMPLOYEES I through X, and/or ROE PROPERTY MANAGERS XI  
9 through XX, and/or ROE MAINTENANCE COMPANIES XI through XX, and/or ROE  
10 OWNERS XI through XX, and/or ROE EMPLOYERS XI through XX, and/or DOES XXI  
11 through XXV, and/or ROE CORPORATIONS, XXV through XXX, and each of the Defendants,  
12 without apportionment, OSIRYS BARRAZNA DE DUENAS was caused to be hurt and injured in  
13 her health, strength, and well-being, which subsequently resulted in her death, all of which caused  
14 Plaintiffs, and each of them, to suffer damages in excess of Fifteen Thousand Dollars (\$15,000.00),  
15 each.  
16
- 17 33. By reason of the premises and as a direct and proximate result of the aforesaid negligence and  
18 carelessness of DEFENDANTS WAL-MART, and/or DOE OWNERS I through X, and/or DOUG  
19 HARRIS, and/or DOE STORE MANAGERS I through X, and/or DOE STORE EMPLOYEES I  
20 through X, and/or DOE PROPERTY MANAGERS I through X, and/or ROE PROPERTY  
21 MANAGERS XI through XX, and/or DOE MAINTENANCE EMPLOYEES I through X, and/or  
22 DOE JANITORIAL EMPLOYEES I through X, and/or ROE PROPERTY MANAGERS XI  
23 through XX, and/or ROE MAINTENANCE COMPANIES XI through XX, and/or ROE  
24 OWNERS XI through XX, and/or ROE EMPLOYERS XI through XX, and/or DOES XXI  
25 through XXV, and/or ROE CORPORATIONS, XXV through XXX, and each of the Defendants,  
26  
27  
28

1 PLAINTIFF OSIRYS BARRAZNA DE DUENAS and each of them, OSIRYS BARRAZNA DE  
2 DUENAS was required to, and did, employ physicians, surgeons, and other health care providers,  
3 to examine, treat, and care for her and did incur medical and incidental expenses thereby. The exact  
4 amount of such expenses is unknown at the present time, but Plaintiffs, and each of them, allege that  
5 the damages are in excess of Fifteen Thousand Dollars (\$15,000.00).  
6

7 34. By reason of the premises, and as a direct and proximate result of the aforesaid negligence and  
8 carelessness of DEFENDANTS WAL-MART, and/or DOE OWNERS I through X, and/or DOUG  
9 HARRIS, and/or DOE STORE MANAGERS I through X, and/or DOE STORE EMPLOYEES I  
10 through X, and/or DOE PROPERTY MANAGERS I through X, and/or ROE PROPERTY  
11 MANAGERS XI through XX, and/or DOE MAINTENANCE EMPLOYEES I through X, and/or  
12 DOE JANITORIAL EMPLOYEES I through X, and/or ROE PROPERTY MANAGERS XI  
13 through XX, and/or ROE MAINTENANCE COMPANIES XI through XX, and/or ROE  
14 OWNERS XI through XX, and/or ROE EMPLOYERS XI through XX, and/or DOES XXI  
15 through XXV, and/or ROE CORPORATIONS, XXV through XXX, and each of the Defendants,  
16 PLAINTIFF OSIRYS, has been caused to incur medical expenses, and will in the future be caused  
17 to expend monies for medical expenses and additional monies for miscellaneous expenses incidental  
18 thereto, in a sum presently unascertainable. PLAINTIFF OSIRYS may pray leave of Court to insert  
19 the total amount of the medical and miscellaneous expenses when the same have been fully  
20 determined at the time of the trial for this action.  
21

22  
23 35. That as a direct and proximate result of the negligence of the Defendants, and each of them,  
24 Decedent OSIRYS BARRAZNA DE DUENAS suffered physical pain, mental anguish,  
25 emotional distress, pain and suffering, loss of enjoyment of life prior to death, and ultimately  
26 suffered wrongful and premature death.  
27  
28

1 36. That as a direct and proximate result of the negligence of the Defendants, and each of them,  
2 Plaintiffs, and each of them, have suffered and will continue to suffer mental anguish, emotional  
3 distress, pain and suffering, loss of enjoyment of life, incidental, consequential, and general and  
4 special damages in excess of Fifteen Thousand Dollars (\$15,000.00), each.

5  
6 37. That all of the Defendants as named herein are jointly and severally liable to Plaintiffs for their  
7 damages.

8 38. That Plaintiffs, and each of them, have been required to retain the law firm of **BIGHORN LAW**  
9 to prosecute this action, and is entitled to recover their attorney's fees, case costs and prejudgment  
10 interest.

11 39. That this Court has subject matter jurisdiction over this matter pursuant to NRS 4.370(1), as the  
12 matter in controversy exceeds Fifteen Thousand Dollars (\$15,000.00), exclusive of attorney's  
13 fees, interest, and costs.

14  
15 40. That this Court has personal jurisdiction in this matter, as the incidents and occurrences that  
16 comprise the basis of this lawsuit took place in Clark County, Nevada.

17  
**SECOND CAUSE OF ACTION**

18 **(Respondeat Superior, Negligent Entrustment, Hiring, Training, and Supervision as to**  
19 **DEFENDANTS WAL-MART, and/or DOUG HARRIS, and/or DOE OWNERS I through X,**  
20 **and/or DOE PROPERTY MANAGERS I through X, and/or ROE PROPERTY MANAGERS**  
21 **XI through XX, and/or ROE PROPERTY MANAGERS XI through XX, and/or ROE**  
22 **MAINTENANCE COMPANIES XI through XX, and/or ROE OWNERS XI through XX,**  
**and/or ROE EMPLOYERS XI through XX, and/or DOES XXI through XXV, and/or ROE**  
**CORPORATIONS, XXV through XXX)**

23 41. Plaintiffs, and each of them, incorporate by this reference all of the allegations of paragraphs 1  
24 through 39, hereinabove, as though completely set forth herein.

25 42. **DEFENDANTS WALMART, and/or DOUG HARRIS, and/or DOE STORE MANAGERS I**  
26 **through X, and/or DOE STORE EMPLOYEES I through X, and/or DOE OWNERS I through X,**  
27 **and/or DOE PROPERTY MANAGERS I through X, and/or ROE PROPERTY MANAGERS XI**  
28



1 through XX, and/or ROE PROPERTY MANAGERS XI through XX, and/or ROE  
2 MAINTENANCE COMPANIES XI through XX, and/or ROE OWNERS XI through XX, and/or  
3 ROE EMPLOYERS XI through XX, and/or DOES XXI through XXV, and/or ROE  
4 CORPORATIONS, XXV through XXX, and each of the Defendants, had a duty to properly hire,  
5 train, and supervise all ASSOCIATES to ensure that the property mentioned hereinabove remained  
6 in a reasonably safe condition.  
7

8 43. That at all times pertinent hereto, DEFENDANTS WAL-MART, and/or DOUG HARRIS, and/or  
9 DOE STORE MANAGERS I through X, and/or DOE STORE EMPLOYEES I through X, and/or  
10 DOE OWNERS I through X, and/or DOE PROPERTY MANAGERS I through X, and/or ROE  
11 PROPERTY MANAGERS XI through XX, and/or ROE PROPERTY MANAGERS XI through  
12 XX, and/or ROE MAINTENANCE COMPANIES XI through XX, and/or ROE OWNERS XI  
13 through XX, and/or ROE EMPLOYERS XI through XX, and/or DOES XXI through XXV, and/or  
14 ROE CORPORATIONS, XXV through XXX, and each of the Defendants, breached its above-  
15 referenced duties by failing to properly hire, train and/or supervise DEFENDANTS and/or DOUG  
16 HARRIS, and/or DOE STORE MANAGERS I through X, and/or DOE STORE EMPLOYEES I  
17 through X, and/or DEFENDANTS DOE PROPERTY MANAGERS I through X, and/or ROE  
18 PROPERTY MANAGERS XI through XX, and/or DEFENDANTS DOE MAINTENANCE  
19 EMPLOYEES I through X, and/or DOE JANITORIAL EMPLOYEES I through X, and/or ROE  
20 MAINTENANCE COMPANIES XI through XX, in each of his/her duties and actions as property  
21 managers/maintainer and/or employees for DEFENDANTS WAL-MART, and/or DOUG  
22 HARRIS, and/or DOE STORE MANAGERS I through X, and/or DOE STORE EMPLOYEES I  
23 through X, and/or DOE OWNERS I through X, and/or DOE PROPERTY MANAGERS I through  
24 X, and/or ROE PROPERTY MANAGERS XI through XX, and/or ROE PROPERTY  
25 MANAGERS XI through XX, and/or ROE MAINTENANCE COMPANIES XI through XX,  
26  
27  
28

1 and/or ROE OWNERS XI through XX, and/or ROE EMPLOYERS XI through XX, and/or DOES  
2 XXI through XXV, and/or ROE CORPORATIONS, XXV through XXX, and each of the  
3 Defendants.

4 44. In addition, as the employer of DEFENDANTS WAL-MART, and/or DOUG HARRIS, and/or  
5 DOE STORE MANAGERS I through X, and/or DOE STORE EMPLOYEES I through X, and/or  
6 DOE OWNERS I through X, and/or DOE PROPERTY MANAGERS I through X, and/or ROE  
7 PROPERTY MANAGERS XI through XX, and/or ROE PROPERTY MANAGERS XI through  
8 XX, and/or ROE MAINTENANCE COMPANIES XI through XX, and/or ROE OWNERS XI  
9 through XX, and/or ROE EMPLOYERS XI through XX, and/or DOES XXI through XXV, and/or  
10 ROE CORPORATIONS, XXV through XXX, and each of them, are vicariously liable for all  
11 damage caused by DEFENDANTS WAL-MART, and/or DOUG HARRIS, and/or DOE STORE  
12 MANAGERS I through X, and/or DOE STORE EMPLOYEES I through X, and/or DOE  
13 OWNERS I through X, and/or DOE PROPERTY MANAGERS I through X, and/or ROE  
14 PROPERTY MANAGERS XI through XX, and/or ROE PROPERTY MANAGERS XI through  
15 XX, and/or ROE MAINTENANCE COMPANIES XI through XX, and/or ROE OWNERS XI  
16 through XX, and/or ROE EMPLOYERS XI through XX, and/or DOES XXI through XXV, and/or  
17 ROE CORPORATIONS, XXV through XXX, as said Defendants, were acting within the course  
18 and scope of each of his/her employment with DEFENDANTS WAL-MART, and/or DOUG  
19 HARRIS, and/or DOE STORE MANAGERS I through X, and/or DOE STORE EMPLOYEES I  
20 through X, and/or DOE OWNERS I through X, and/or DOE PROPERTY MANAGERS I through  
21 X, and/or ROE PROPERTY MANAGERS XI through XX, and/or ROE PROPERTY  
22 MANAGERS XI through XX, and/or ROE MAINTENANCE COMPANIES XI through XX,  
23 and/or ROE OWNERS XI through XX, and/or ROE EMPLOYERS XI through XX, and/or DOES  
24  
25  
26  
27  
28



1 XXI through XXV, and/or ROE CORPORATIONS, XXV through XXX, and each of the  
2 Defendants, at the time of the incident described herein.

3 45. As a direct and proximate result of Defendants' negligence, without apportionment, OSIRYS  
4 BARRAZNA DE DUENAS was caused to be hurt and injured in her health, strength, and well-  
5 being, which subsequently resulted in her death, all of which caused Plaintiffs, and each of them,  
6 to suffer damages in excess of Fifteen Thousand Dollars (\$15,000.00), each.

7  
8 46. As a direct and proximate result of the aforesaid negligence and carelessness of DEFENDANTS  
9 WAL-MART, and/or DOUG HARRIS, and/or DOE STORE MANAGERS I through X, and/or  
10 DOE STORE EMPLOYEES I through X, and/or DOE OWNERS I through X, and/or DOE  
11 PROPERTY MANAGERS I through X, and/or ROE PROPERTY MANAGERS XI through XX,  
12 and/or DOE MAINTENANCE EMPLOYEES I through X, and/or DOE JANITORIAL  
13 EMPLOYEES I through X, and/or ROE PROPERTY MANAGERS XI through XX, and/or ROE  
14 MAINTENANCE COMPANIES XI through XX, and/or ROE OWNERS XI through XX, and/or  
15 ROE EMPLOYERS XI through XX, and/or DOES XXI through XXV, and/or ROE  
16 CORPORATIONS, XXV through XXX, and each of the Defendants, PLAINTIFF OSIRYS has  
17 been caused to expend monies for medical and miscellaneous expenses, and will in the future be  
18 caused to expend additional monies for medical expenses and miscellaneous expenses incidental  
19 thereto, in a sum not yet presently ascertainable, and leave of Court may be requested to include  
20 said additional damages when the same have been fully determined.

21  
22  
23 47. That as a direct and proximate result of the negligence of the Defendants, and each of them,  
24 Decedent OSIRYS BARRAZNA DE DUENAS suffered physical pain, mental anguish,  
25 emotional distress, pain and suffering, loss of enjoyment of life prior to death, and ultimately  
26 suffered wrongful and premature death.  
27  
28

1 48. That as a direct and proximate result of the negligence of the Defendants, and each of them,  
2 Plaintiffs, and each of them, have suffered and will continue to suffer mental anguish, emotional  
3 distress, pain and suffering, loss of enjoyment of life, incidental, consequential, and general and  
4 special damages in excess of Fifteen Thousand Dollars (\$15,000.00), each.

5  
6 49. That as a direct and proximate result of the negligence of the Defendants, and each of them,  
7 Plaintiff CECIL R. DUENAS., has suffered non-economic damages consisting in the loss of  
8 decedents love, companionship and comfort.

9 50. That by reason of Decedent's death, and pursuant to NRS 41.085, Plaintiff CECIL R. DUENAS.,  
10 has been caused to suffer grief and sorrow, loss of probable support, companionship, society,  
11 comfort and consortium, all to his damage in an amount in excess of Fifteen Thousand Dollars  
12 (\$15,000.00).

13  
14 51. That by reason of Decedent's death, and pursuant to NRS 41.085, Plaintiffs, and each of them,  
15 are entitled to damages for pain, suffering, and for disfigurement of Decedent.

16 52. That all of the Defendants as named herein are jointly and severally liable to Plaintiffs for their  
17 damages.

18  
19 53. That Plaintiffs, and each of them, have been required to retain the law firm of **BIGHORN LAW**  
20 to prosecute this action, and is entitled to recover their attorney's fees, case costs and prejudgment  
21 interest.

22 **FIRST CLAIM FOR RELIEF:**

23 Wherefore, Plaintiffs, and each of them, expressly reserving the right to amend this complaint  
24 prior to or at the time of trial of this action to insert those items of damage not yet fully ascertainable,  
25 prays for judgment against all Defendants, and each of them, as follows:  
26

27 1. General damages for PLAINTIFF CECIL, in an amount in excess of Fifteen Thousand  
28 Dollars (\$15,000.00);

1           2.       That as the administrator of the ESTATE OF OSIRYS BARRAZNA DE DUENAS,  
2 CECIL R. DUENAS., is entitled to recover medical, funeral, and burial expenses as well as exemplary  
3 and punitive damages from Defendants, and each of them, in an amount in excess of Fifteen Thousand  
4 Dollars (\$15,000.00);

5  
6           3.       Medical, funeral, and burial expenses incurred by the ESTATE OF ANNETTE F.  
7 VELTRE, in an amount in excess of Fifteen Thousand Dollars (\$15,000.00);

8           4.       Special damages for said Plaintiff's medical and miscellaneous expenses as of this date,  
9 plus future medical expenses and the miscellaneous expenses incidental thereto in a presently  
10 unascertainable amount;

11  
12           5.       Compensatory damages in an amount in excess of Fifteen Thousand Dollars (\$15,000.00);

13           6.       Plaintiff CECIL R. DUENAS', loss of love, affection, companionship guidance,  
14 instruction and society in an amount in excess of Fifteen Thousand Dollars (\$15,000.00);

15           7.       Grief, mental anguish, emotional distress of the survivors in an amount in excess of Fifteen  
16 Thousand Dollars (\$15,000.00);

17           8.       Decedent's conscious pain and suffering from the time of the injury to the time of death  
18 in an amount in excess of Fifteen Thousand Dollars (\$15,000.00);

19  
20           9.       Decedent's mental anguish and emotional distress from anticipation of death in an amount  
21 in excess of Fifteen Thousand Dollars (\$15,000.00);

22           10.      Punitive damages against Defendants for implied malice, in an amount in excess of Fifteen  
23 Thousand Dollars (\$15,000.00);

24           11.      Costs of this suit;

25           12.      Prejudgment Interest;

26           13.      Attorney's fees; and  
27

28       ///

1           14.     For such other and further relief as to the Court may seem just and proper in the premises.

2           DATED this 19<sup>th</sup> day of July, 2021.

3                                   **BIGHORN LAW**

4                                   /s/ Kimball Jones

5                                   **KIMBALL JONES, ESQ.**

6                                   Nevada Bar No.: 12982

7                                   225 E. Flamingo Road

8                                   Building 2, Suite 300

9                                   Las Vegas, Nevada 89119

10                                  Attorneys for Plaintiff